

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 7 - COMMUNITY IMPROVEMENTS

CP 91-7.04 **Building Permits Where Public Improvements are not Completed and Accepted by the City of Corvallis**

Adopted December 15, 1975

Affirmed October 7, 1991
Revised February 22, 1994
Revised March 20, 1995
Revised November 20, 1995
Revised July 21, 1997
Revised October 18, 1999
Revised November 19, 2001
Revised October 20, 2003
Revised March 20, 2006
Revised February 17, 2009
Affirmed February 21, 2012

7.04.010 **Purpose**

To establish a policy regarding issuance of building permits in developments where public improvements have not been accepted by the City. This policy is an effort to facilitate approved development projects by allowing an exception which provides opportunity for early start to projects. In addition, this policy exists for the following reasons:

- a. Performance securities are ineffective without approved designs;
- b. Secured but incomplete public improvements do not protect third parties from delays in constructing on subdivision lots;
- c. Demand on infrastructure for emergency access, water, wastewater and storm water commences with building construction;
- d. Punch list repairs to public improvements may result in extended service disruptions to the developer and to the public;
- e. Building construction can constrain options for optimal public improvement configurations;
- f. It is very important to ensure public improvement projects are finalized with respect to off-site improvements, punch list repairs, easements, as-builts and warranty initiation.

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7.04.015 Definitions

Building Permit - Any construction permit issued by Development Services including: Excavation & Grading, Site Utilities, Foundation, Shell, Completion, Plumbing, Mechanical, Electrical or Building Permit. Does not include Erosion Control Permits.

Authorized - When referring to authorization from the City Engineer for PIPC work to proceed, the term authorized shall mean - Approval to proceed with work based on a set of engineered drawings that have been reviewed by the City Engineer and stamped authorized for construction. Authorization does not refer to the completion of the PIPC permit checklist.

7.04.020 Policy

- a. For the reasons listed above, it is the policy of the City of Corvallis that building permits should not be issued until all public improvements are completed and accepted by the City of Corvallis. To be accepted, all construction items must be fully completed, all contract payments made, as-built drawings from the engineer-of-record submitted to and accepted by the City Engineer and the warranty period initiated.
- b. For projects not involving any land division, the City recognizes that development schedules are economically important and that partial permit processes which include phased development and deferred submittals, are project management approaches allowed by building code. For these projects, the Building Official may issue building permits when conditions 2 through 14 below have been met.
- c. Projects that involve a land division present special concern primarily due to the potential for adverse impacts to third party lot purchasers. However, from time to time, it is considered to be in the best interest of the community and the developer to allow construction to commence in certain situations prior to the completion of public improvements. These situations may include weather-related or scheduling circumstances which are outside the control of the developer. In order to accommodate both the builder's desire to commence construction as quickly as possible and the City's need to ensure proper construction, inspection, testing, and initial acceptance of public improvements, the Building Official may issue building permits for lots in cases when conditions 1 through 14 below have been met:

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d. Conditions:

- 1) The developer will submit a letter to the Building Official which outlines the reasons for the request and specifies how the conditions listed in this policy will be met.
- 2) The plat has been recorded. **
- 3) The developer has provided a performance guarantee for the public improvements meeting the requirements of Land Development Code Section 2.4.40.09.**
- 4) All plans for public improvements have been authorized by the City Engineer. In order to avoid adverse impacts due to implementation of this Policy, public improvement design may require a heightened level of diligence on the part of applicant. For example, careful attention shall be given to potential utility conflicts and conflict areas shall be investigated (as-builts reviewed, utility locations physically verified, etc) to ensure the feasibility of proposed designs.
- 5) The developer agrees that required corrections identified during the inspection of public improvements will be addressed in good faith within a reasonable amount of time as established by the City Engineer.
- 6) All required off-site improvements have been addressed to the satisfaction of the City Engineer.
- 7) Adequate water mains and operational fire hydrants or temporary water supplies approved by the Fire Chief are available for fire protection. Water lines open to the public system must be properly pressure tested, disinfected and accepted by the City Engineer for service to prevent danger of cross contamination.
- 8) The developer has submitted, in writing, a proposal indicating the lots for which there will be building permit applications submitted prior to the acceptance of the public improvements and how access to these lots, including adequate access for fire apparatus as determined by the Fire Chief, will be accomplished without damage to underground public improvements or to the street sub-base or pavement.**

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- 9) A written agreement between the developer and the City has been signed stating that building permits issued to the developer would not authorize connection to the City water system unless the water lines have been accepted by the City Engineer and that the building permits would not authorize connection to the City sewer system unless the sewer lines have been accepted by the City Engineer.
- 10) A written statement from the developer has been submitted stating that no City water will be utilized without the approval of the City.
- 11) A proposal from the developer has been submitted describing how wastewater generated from the building process will be managed without sewer service availability. Use of storm water facilities will not be acceptable.
- 12) A written agreement from the developer has been submitted stating that the project "as-built" drawings will be submitted to and accepted by the City Engineer prior to connection to the City water and sewer systems.
- 13) A written agreement from the developer has been submitted stating that all potential and actual lot purchasers shall be informed in writing that required public improvements have not been accepted and that the City shall not be liable regarding the timing of such acceptance and ability to connect or occupy.
- 14) All street identification signs have been installed to facilitate emergency response and building inspection. Any signs damaged prior to final acceptance of the project by the City shall be replaced at the developer's expense.**

**Conditions 2, 3, 8, and 14 do not apply to excavation and grading permits.

Violation of any of the above conditions will be grounds for permit revocation and/or the issuance of a "stop work" order by the Community Development Director for any construction previously authorized by a City permit in the subdivision.

Alternative arrangements which meet the intent of this policy may be approved by the Community Development Director except that condition 3 relating to the City Engineer's authorization of public improvement plans shall not be waived.

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7.04.030 Review and Update

This Community Improvement Policy shall be reviewed biennially beginning in October 1995 by the Community Development Director and updated as appropriate.